IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESSDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 7534 of 2005

Between:

Ravuri Chinna Subbaiah S/o Rosajah
Tekulapally Village, Porumamilla Mandal, Cuddapah District

..... PETITIONER

AND

1 The Assistant Commissioner, Endowments Department, Cuddapah
2 The Commissioner of Endowments, A.P., Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more in the nature of Mandamus declaring that the petitioner is entitled to purchase the land to an extent of Ac. 2.40 cents in Survey No. 1842 of Kalwakuntla Village Porumamilla Mandla, Cuddapah District belonging to Sri Sambasivalias Ramalingeswara Swamy Temple, Kalwakuntla Under his Occupation as per the provisions contained in Sub-Section (2) of Section 82j of A.P., Charitable and Hindu Religious Institutions and Endowments Act, 1987 Act 30 of 1987) with all consequential benefits by holding the action of the respondents in not permitting the applicant to purchase the above land even though the petitioner has fulfilled the conditions laid down in the Act and seeking to dispose of the above land by Tender-cum-Public Auction vide Proc. Rc. No. M3/1314/2001, dated 9-1-2003 issued by the Commissioner of Endowments, A.P. Hyderabad is as illegal arbitrary, discriminatory, unjust and opposed to all cannons of equity, justice and fair play and pass such other and further orders as this Hon'ble Court may deem fit and proper

Counsel for the Petitioner: MR.D.BALA KISHAN RAO

Counsel for the Respondents: GP FOR ENDOWMENTS

The Court at the stage of admission made the following :

ORAL ORDER:

Heard both sides. Perused the material placed before me.

The grievance of the petitioner is that he has been the lessee for the lands belong to the temple and now the said lands are going to be disposed of by way of public auction. But no opportunity is being given to him to participate in the auction in order to purchase the said lands.

It is settled position now that all the leases in respect of the lands belong to the temples have been cancelled by virtue of operation of Section 82 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1986. Therefore, the petitioner cannot have any absolute right. However, he can make a representation to the authorities concerned to purchase the property, if permitted by law and procedure.

With the above observations, the writ petition is disposed of at the stage of admission. However, the respondents are directed to consider any application being made by the petitioner seeking permission to participate in the auction. No costs.

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kvsn 06-04-2005

To

1 The Assistant Commissioner, Endowments Department, Cuddapah

2 The Commissioner of Endowments, A.P., Hyderabad

3 Two CCs to GP for Endowments, High Court buildings, Hyderabad.

4 Two CD copies.